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We, The People

By John Franklin Carter

SUBPOENA BY ASSOCIATION

There are a lot of things I ought to write about this muggy August weekend — the progress report and the Rhees-Dulles treaty among them — but I stand awe-struck before a political Taj Mahal, a thing constructed by Joe McCarthy in loving memory of his feud with Dean Acheson. His latest legislative wisecrack is to come up with the idea of serving a subpoena by association.

You see, the junior Senator from Wisconsin has an attack of Bundy trouble; a painful itching of the political epidermis which is one of the symptoms of a serious case of Acheson infection. What makes it all the worse is that there are two Bundy brothers and it's hard to tell which is which, at least for a Senator.

There's the Bundy who wrote a laudatory biography of Dean Acheson in War and Peace and another one of Harry Truman in Peace and War. That particular Bundy is out of range, but his brother, the other Bundy, is fair game for Joe, being employed in the Central Intelligence Agency.

The CIA Bundy is doubly tainted: he married Dean Acheson's daughter and he contributed \$400 to the Alger Hiss defense fund. So naturally, McCarthy decided to subpoena the scoundrel and put him over the lamp before the investigations subcommittee of which Joe is chairman.

Allen Dulles, the director of CIA, refused to let any of his subordinates, Bundy included, subpoenaed and make it stick in an elegant exercise of cadenced prose with Senator Joe. Then the Senator found out that this Bundy guy actually wanted to go to Europe on a vacation this Summer and promptly wrote on the State Department's Passport Division to refuse him a passport.

It seems that there is a State Department regulation which withholds passports from U. S. citizens who have been subpoenaed to appear before a Congressional committee. This time McCarthy came up with a wonder. He told the State Department in writing that it was an accepted legal principle that when it was known that a committee wanted to subpoena a guy that guy had been subpoenaed regardless of whether he had ever been served with one of those nasty little folded papers by a hard-faced man with sore feet.

Well, the State Department had a few lawyers of its own — too many in the opinion of some people — so they simply ignored this interesting contribution to legal lore and told the Senator that they were issuing Bundy his passport. We've had guilt by association applied to individuals and to books and films but this is the first time anybody has come up with the idea that a gleam in McCarthy's eye was the exact legal equivalent of the ordinary processes of law.

As a matter of fact, if Senator McCarthy is not careful he'll build up a lot of undeserved sympathy for Dean Acheson. In my personal opinion, Mr. Acheson was pure undiluted catastrophe as Secretary of State and I'm heartily glad he's out of the job (as I guess, he too is), but it's one thing to criticize him on grounds of public policy and it's another thing to start hounding his son-in-law and biographer.

As for the Hiss angle, a good many people, including Lord Jowitt of England, still have some doubts that Hiss was guilty of treason no matter whether he committed perjury in denying his association with Whittaker Chambers. But it is no crime to contribute to the legal defense of any citizen, even after he has been found guilty. I suspect that in this case, the hot weather finally caught up with McCarthy and that after a few cool weeks by a Wisconsin lake he will calm down and maybe shut up for a while.